

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAUN SNYDER,

Plaintiff,

Case No. 1:16-cv-1114

v.

HON. JANET T. NEFF

BRITT OWEN and TOREY JOHNS,

Defendants.

_____ /

ORDER

Plaintiff filed this civil rights case on September 9, 2016. On November 10, 2016, this Court entered a Notice of Impending Dismissal because more than 60 days had passed from the filing of the complaint and Defendants had not been served (Dkt 5). The Notice informed Plaintiff that unless Plaintiff completed service of process within 90 days after the filing of the complaint in accordance with FED. R. CIV. P. 4(m), the case would be dismissed without prejudice, and that to avoid dismissal if more than 90 days was necessary for service, Plaintiff must file a “verified petition RE: Service of Process” pursuant to the steps outlined (*id.*). Rather than comply with this Court’s Notice, on November 17, 2016, Plaintiff filed an Emergency *Ex-Parte* Motion for Extension of Summons and Request for Expedited Consideration (Dkt 6), requesting that the Court enter an Order extending the summonses for both Defendants by a period of ninety (90) days pursuant to MICH. CT. R. 2.102(D).

Plaintiff’s Motion is nonresponsive to the Court’s November 10, 2016 Notice, which specifies the steps to obtain an extension of time to serve the summonses. Plaintiff asks for an

extension of 90 days pursuant to the Michigan Court Rule, but provides no authority to show why service is governed by the Michigan Court Rule rather than Federal Rule of Civil Procedure 4(m), as specified in the Notice. Moreover, Plaintiff fails to show any basis for filing the Motion “Ex-Parte,” and this Court’s Guidelines expressly state that “Ex parte applications are disfavored and should be avoided except in the most extreme circumstances” (Information and Guidelines, Sec. V). Plaintiff’s Motion is therefore denied.

Plaintiff is ordered to comply with the Court’s November 10, 2016 Notice to obtain an extension of time to serve the summonses pursuant to the Federal Rules of Civil Procedure, or otherwise provide a proper basis and alternative legal authority for such an extension.

Accordingly:

IT IS HEREBY ORDERED that Plaintiff’s Emergency *Ex-Parte* Motion for Extension of Summons (Dkt 6) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff’s failure to timely comply with this Order and/or this Court’s November 10, 2016 Notice of Impending Dismissal will result in dismissal of this case.

Dated: November 21, 2016

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge